

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GE HEALTHCARE BIO-SCIENCES AB, GE
HEALTHCARE BIO-SCIENCES
CORPORATION, and GENERAL ELECTRIC
COMPANY,

Plaintiff,

v.

BIO-RAD LABORATORIES, INC.,

Defendant.

Civil Action No. 14-CV-7080-LTS

Hon. Laura Taylor Swain

**DECLARATION OF JENNIFER SKLENAR IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Jennifer Sklenar, declare as follows:

1. I am over 18 years of age. I am a partner of Arnold & Porter LLP, counsel for plaintiffs GE Healthcare Bio-Sciences AB ("Bio-Sciences AB"), GE Healthcare Bio-Sciences Corporation ("Bio-Sciences Corp."), and General Electric Company ("General Electric Co.") (collectively, "GE" or "Plaintiffs"). I have personal knowledge of the facts stated herein, except those stated on information and belief and, if called upon, could and would testify competently to them. I make this declaration in support of Plaintiffs' Motion for a Preliminary Injunction.

2. Attached as **Exhibit A** is a true and correct copy of a GE LifeSciences webpage available at:

<http://www.gelifesciences.com/webapp/wcs/stores/servlet/catalog/en/GELifeSciences-us/about-us/>.

3. Attached as **Exhibit B** is a true and correct copy of a GE LifeSciences webpage available at

<http://www.gelifesciences.com/webapp/wcs/stores/servlet/catalog/en/GELifeSciences-us/about-us/life-sciences>.

4. Attached as **Exhibit C** is a true and correct copy of U.S. Patent No. 8,821,718.

5. Attached as **Exhibit D** is a true and correct copy of a LinkedIn Profile for Shawn Anderson, available at

https://www.linkedin.com/profile/view?id=16541208&authType=NAME_SEARCH&authToken=tTaS&locale=en_US&srchid=3677994081410291827557&srchindex=1&srchttotal=1&trk=vsrp_people_res_name&trkInfo=VSRPsearchId%3A3677994081410291827557%2CVSRPtargetId%3A16541208%2CVSRPcmpt%3Aprimary.

6. Attached as **Exhibit E** is a true and correct copy of a LinkedIn Profile for Paul Johnson, available at

https://www.linkedin.com/profile/view?id=52995040&authType=NAME_SEARCH&authToken=rmHU&locale=en_US&srchid=3677994081410291789010&srchindex=1&srchttotal=1&trk=vsrp_people_res_name&trkInfo=VSRPsearchId%3A3677994081410291789010%2CVSRPtargetId%3A52995040%2CVSRPcmpt%3Aprimary.

7. Attached as **Exhibit F** is a true and correct copy of a LinkedIn Profile for Michael Urban, available at

https://www.linkedin.com/profile/view?id=5908951&authType=NAME_SEARCH&authToken=BrT&locale=en_US&srchid=3677994081410291855961&srchindex=1&srchttotal=1&trk=vsrp_people_res_name&trkInfo=VSRPsearchId%3A3677994081410291855961%2CVSRPtargetId%3A5908951%2CVSRPcmpt%3Aprimary.

8. Attached as **Exhibit G** is a true and correct copy of a LinkedIn Profile for Richard Lee, available at

https://www.linkedin.com/profile/view?id=8685998&authType=NAME_SEARCH&authToken=LaYN&locale=en_US&srchid=3677994081410291625610&srchindex=1&srchtotat=1&trk=vsrp_people_res_name&trkInfo=VSRPsearchId%3A3677994081410291625610%2CVSRPtargetId%3A8685998%2CVSRPcmpt%3Aprimary.

9. Attached as **Exhibit H** is a true and correct copy of a webpage entitled “The Chromatography Chronicles Part 1: The Votes Are in – Customer Voices and the NGC™ Chromatography System Design Process”, available at <http://www.bioradiations.com/focus-on-technology/61-chromatography/1414-the-chromatography-chronicles-part-1-the-votes-are-in-making-customer-voices-part-of-the-ngc-design-process> (last accessed September 8, 2014).

10. Attached as **Exhibit I** is a true and correct copy of an image titled “ÄKTA avant”, available at http://www.gelifesciences.com/webapp/wcs/stores/servlet/catalog/en/GELifeSciences-us/products/AlternativeProductStructure_17162/28930842 (last accessed September 8, 2014).

11. Attached as **Exhibit J** is a true and correct copy of a webpage entitled “The Chromatography Chronicles Part 3: Adding, Swapping, and Scaling – Better Chromatography through Modular Design”, available at <http://www.bioradiations.com/focus-on-technology/61-chromatography/1424-the-chromatography-chronicles-3-modular-design-and-the-building-blocks-of-better-chromatography> (last accessed September 8, 2014).

12. Attached as **Exhibit K** is a true and correct copy of U.S. Patent Application Publication No. 2013/3218352 entitled “Modular Automated Chromatography System.”

13. Attached as **Exhibit L** is a true and correct copy of U.S. Patent Application Publication No. 2013/0132897 entitled "Chromatography Configuration Interface."

14. Attached as **Exhibit M** is a true and correct copy of a Bio-Rad Laboratories Inc. ("Bio-Rad") webpage entitled "About Bio-Rad", available at <http://www.bio-rad.com/en-us/corporate/about-bio-rad> (last accessed September 8, 2014).

15. Attached as **Exhibit N** is a true and correct copy of a Bio-Rad webpage entitled "Corporate Facts", available at <http://www.bio-rad.com/en-us/corporate/corporate-facts> (last accessed September 8, 2014).

16. Attached as **Exhibit O** is a true and correct copy of a letter sent by Matthew Wolf, counsel for GE, to John J. Cassingham, counsel for Bio-Rad, on September 2, 2014, in which Mr. Wolf advised that the '718 patent had issued; that GE had filed suit against Bio-Rad on September 2; and that the basis of GE's allegations was that Bio-Rad infringed the '718 patent by making, using, providing, offering to sell, and/or selling its NGC system. Mr. Wolf requested that Bio-Rad immediately cease all manufacture, marketing and sales of the NGC system and agree to refrain from making, marketing, or selling the NGC system for the term of the '718 patent, and requested a response by the close of business on September 8, 2014. Mr. Wolf has not received a response from Bio-Rad at this time.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 9, 2014 at Los Angeles, California.



Jennifer Sklenar